

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 13-5962 PA (PJWx)	Date	November 8, 2013
Title	Anthony An, et al. v. Nongshim Company, Ltd., et al.		

Present: The Honorable	PERCY ANDERSON, UNITED STATES DISTRICT JUDGE		
Paul Songco	Not Reported		N/A
Deputy Clerk	Court Reporter		Tape No.
Attorneys Present for Plaintiffs:		Attorneys Present for Defendants:	
None		None	

Proceedings: IN CHAMBERS - ORDER TO SHOW CAUSE

On August 14, 2013, plaintiffs Anthony An and Kenny Kang (“Plaintiffs”) filed this action against Nongshim Company, Ltd.; Nongshim America, Inc.; Ottogi Company, Ltd.; Ottogi America, Inc.; Samyang Foods Company, Ltd.; Sam Yang (U.S.A.), Inc.; Korea Yakult Company, Ltd.; Paldo Company, Ltd.; and Does 1-10 (collectively “Defendants”). Although Plaintiffs filed the Complaint approximately three months ago, there has been no activity in this case. To date, Plaintiffs have not filed proofs of service for any of the Defendants, and none of the Defendants have filed an answer or any other pleadings.

After a complaint is filed, the defendant must be served with a summons and a copy of the complaint. Fed. R. Civ. P. 4(c). Upon receiving service of process, a defendant must file a responsive pleading either in the form of an answer or a motion. See Fed. R. Civ. P. 12. The Federal Rules of Civil Procedure provide explicit time limits by which these actions must take place. See Fed. R. Civ. P. 4(m), 12(a). The failure to comply with these rules may result in the imposition of sanctions, including dismissal of the action for failure to prosecute. See Fed. R. Civ. P. 41(b); Link v. Wabash Railroad Co., 370 U.S. 626, 62930, 82 S. Ct. 1386, 8 L. Ed. 2d 734 (1962) (holding that a court’s authority to dismiss for lack of prosecution is necessary to prevent undue delays in the disposition of pending cases and to avoid congestion in the calendars of the district courts).

Neither party has submitted any documents thus far indicating the current status of this case. This lack of action is of particular concern due to the numerous related cases currently pending in different courts, and a pending motion in the Northern District of California to transfer all of the related cases to the Northern District of California for consolidated pretrial proceedings. Continued inactivity is not in the public’s interest for expeditious resolution of litigation and impedes this Court’s ability to manage its docket.

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Because the time limits set by the Federal Rules of Civil Procedure are forthcoming, the Court, on its own motion, orders Plaintiffs to show cause in writing on or before November 21, 2013, why this action should not be dismissed for lack of prosecution. Pursuant to Rule 78 of the Federal Rules of Civil Procedure, the Court finds that this matter is appropriate for submission without oral argument. The Order to Show Cause will stand submitted upon the filing of Plaintiffs' response. Failure to respond to this Order may result in the imposition of sanctions including, but not limited to, dismissal of the Complaint.

IT IS SO ORDERED.